

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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SUDHA PATEL and BHOLAE, INC.,

Case No. 05-CV-2866 (PJS/RLE)

Plaintiffs,

v.

CITY OF SAUK CENTRE; DENNIS  
RYKKEN, Interim Mayor of the City of Sauk  
Centre; PAUL THEISEN, former Mayor of  
the City of Sauk Centre; SAUK CENTRE  
CITY COUNCIL AND COUNCIL  
MEMBERS 1-4; ROSE ANN  
INDERRIEDEN, Sauk Centre City  
Administrator; STEPHEN BLOOM, former  
Sauk Centre City Administrator; CORALEE  
FOX, former Sauk Centre City Administrator;  
and TRACI RYAN, Sauk Centre Economic  
Development Director,

ORDER

Defendants.

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Jesse H. Kibort, KOEPKE & DANIELS, P.A.; Richard A. Diamond, RICHARD I.  
DIAMOND, PA, for plaintiffs.

Ryan M. Zipf, LEAGUE OF MINNESOTA CITIES, for defendants.

This matter is before the Court on the objection of plaintiffs Sudha Patel and Bholae, Inc., to the April 20, 2007 Report and Recommendation (“R&R”) of Chief Magistrate Judge Raymond L. Erickson. The Court has reviewed de novo those portions of the R&R to which plaintiffs have objected, as required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), has considered carefully all of plaintiffs’ objections, and adopts Judge Erickson’s thorough and well-reasoned R&R [Docket No. 42].

ORDER

Based on the foregoing and on all of the files, records, and proceedings herein, the Court OVERRULES plaintiffs' objection [Docket No. 43] and ADOPTS Judge Erickson's April 20, 2007 Report and Recommendation [Docket No. 42]. Accordingly, IT IS HEREBY ORDERED THAT:

1. Defendants' motion for summary judgment [Docket No. 20] is GRANTED IN PART as follows:
  - a. Plaintiffs' claims for violations of their rights under the U.S. Constitution to equal protection and procedural and substantive due process are DISMISSED WITH PREJUDICE AND ON THE MERITS.
2. Plaintiffs' state-law claims are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1367(c)(3).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 3, 2007

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge